

REMARKS

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-4, 6-13, 15 and 19-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kritzer in U.S. Patent No. 6,382,358 in view of Behringer in U.S. Patent No. 5,738,017. Claims 14 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Krtizer in U.S. Patent No. 6,382,358 in view of Behringer in U.S. Patent No. 5,738,017 and further in view of Fitzroy in U.S. Patent No. 289,905. Claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kritzer in U.S. Patent No. 6,382,358 in view of Behringer in U.S. Patent No. 5,738,017 and further in view of Green in U.S. Patent No. 5,967,443. Claim 26 was rejected under 35 U.S.C.(a) as being unpatentable over Kritzer in U.S. Patent No. 6,382,358 in view of Behringer in U.S. Patent No. 5,738,017 and further in view of Fang et al. in Great Britain Publication No. 2285035. Claim 22 was objected to for being dependent upon a rejected base claim but was otherwise allowable.

Applicant would like to thank Examiner Pico and Supervisory Primary Examiner Matecki for the consideration given applicant's attorney at the interview of July 28, 2006. At the interview, agreement was reached to define the present invention in amended claim 1. The suggestions of the Examiners have been

incorporated into claim 1. Claim 1 will now be further considered by the Examiners. In the absence of more relevant prior art, claim 1 should be in condition for allowance. New claim 27 places allowable claim 22 in independent form.

The citation by Behringer shows a safety device for railborne vehicles which works according to the principle of gravity. Fitzroy shows a solution where the locking unit is rotatable and supported in such a way that the center of gravity of the locking unit is off-center. However, none of the mentioned solutions shows a safety device which works independently from the lifting or moving means.

In Kritzer the safety device depends directly on the lifting means (that is the chain), in the citation by Behringer there is no lifting means at all, and in Fitzroy's citation the lifting means (chain 11) ends at the safety lever. Thus the safety means can only become active if there is a fault at the lifting means.

Therefore, claim 1 has been amended to include claim 14 according to which the locking unit is arranged rotatably at the platform, and has two deflection rollers, and the opening element is designed as a cable or a chain which is guided over the deflection rollers.

A solution of this kind is not shown in the citation by Kritzer. It is not shown, either, in the citations by Behringer and Fitzroy, where a safety device for railborne vehicles, respectively, a safety arrangement for elevators, is presented. The safety is

carried out with Fitzroy via a safety lever which is arranged below the platform and where simultaneously the lifting means, for example a chain, engages.

Thus the solution according to the present application differs considerably in a technical respect, and can be produced easier, and is, in addition to that, even safer as the safety device works independently from the lifting device, namely a hydraulic cylinder.

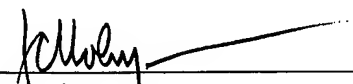
If the chain tears, according to the solution by Fitzroy, the safety device would interlock in the toothed rack. However, if the chain jams the safety device is practically without effect. In this respect the solution according to the present patent application has considerable advantages compared with the solutions according to Kritzer and Fitzroy. The solution by Behringer is not very relevant for the present application. It does not show, either, the object of amended claim 1.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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